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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR-08-00040 JF
12)
Plaintiff,)
13) NOTICE OF MOTION AND MOTION TO
vs.) DETERMINE MENTAL COMPETENCY
14)
DONALD RAY WILLIAMS,)
15)
Defendant.)
16)
17

18 TO: ASSISTANT UNITED STATES ATTORNEY GARY FRY AND THE CLERK OF THE
19 ABOVE-ENTITLED COURT

20 PLEASE TAKE NOTICE that on Wednesday, August 13, 2008, at 9:00 a.m., or as soon
21 thereafter as the matter may be heard before the Honorable Jeremy Fogel, defendant Donald Ray
22 Williams, by and through counsel, shall move this Court for an order for a mental competency
23 evaluation, to be performed locally and to be paid for by the government.

24 This motion shall be made pursuant to Title 18 U.S.C. § 4241, on the ground that defense
25 counsel has reasonable cause to believe that Mr. Williams may presently be suffering from a
26 mental disease or defect rendering him mentally incompetent to the extent that he is unable to

1 understand the nature and the consequences of the proceedings against him or to assist properly
2 in his defense.

3 This motion shall be based upon this notice of motion and motion, the attached
4 memorandum of points and authorities and declaration of counsel, the case file and record, and
5 such argument and evidence as may be presented at the hearing on this matter.

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7 Dated: July 25, 2008

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9 Respectfully submitted,

10 BARRY J. PORTMAN
11 Federal Public Defender

12 /S/
13 MANUEL U. ARAUJO
14 Assistant Federal Public Defender
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